

REMARKS

This application has been reviewed in light of the Office Action dated November 25, 2008. Claims 10-13 are presented for examination, of which Claims 10, 12 and 13 are in independent form. All the claims have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is respectfully requested.

In the outstanding Office Action, Claim 12 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Applicant submits that the method of Claim 12 “provides a transformation or reduction of an article to a different state or thing” (MPEP 2106) by decoding compressed data to obtain non-compressed data and by reducing the size of the non-compressed data, among other things. Accordingly, Claim 12 is directed to statutory subject matter, and withdrawal of the rejection is respectfully requested.

In addition, Claims 10-13 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patents 5,414,525 (Ito), 5,819,261 (Takahashi), 5,488,488 (Shimizu) and 6,453,131 (Sasai) taken in combination.

Applicant submits that the claims presented for examination are patentably distinct from the cited prior art for at least the following reasons.

As discussed in the specification, conventionally, a reduced-sized version of an image is created and displayed for preview purposes only after the receipt of the entire image (para. [0003]). However, it may happen that a user can decide whether to further process (via printing, for example) or discard the image (or a portion of it) upon seeing merely a portion of the image. In that case, it would be inconvenient for the user to have to wait until the image has been received in its entirety.

The present invention has been made to address this issue. It relates to an apparatus and its control method which carry out the preview and satisfy a user request in response to the preview in a piecemeal manner (para. [0004]). In one embodiment of the present invention, once a portion of an image is received, a reduced-sized version of that portion is created and displayed as the rest of the image is yet to be received (para. [0046], for example). This allows a user to quickly decide – once the reduced-sized version of the portion is displayed – how to handle the image (or that portion of it).

Claim 10 recites, among other features, “a printer for printing out facsimile data, which corresponds to the reduced-size image data displayed on said display, when the detected command is a print command, even during reception of facsimile data constituting an additional portion of the image by said receiver.”

This feature is not believed to be disclosed or taught in *Ito, Takahashi, Shimizu*, or *Sasai*, considered separately or in any permissible combination. While conceding that the feature is not disclosed or taught in the combination of *Ito, Takahashi*, and *Shimizu*, the Office Action suggests that it is in *Sasai*. Applicant respectfully disagrees.

As Applicant understands, *Sasai* relates to an image forming apparatus which is capable of quickly performing a print operation requested some time after the completion of the apparatus warm-up (*see* col. 1, lines 33-37). Applicant submits that *Sasai* involves the receipt and subsequent processing (decoding, printing, etc.) of a document or an image in its entirety at once rather than a portion at a time (*see* Fig. 4, for example).

The portion of *Sasai* cited in the Office Action as disclosing or suggesting the feature of Claim 10 recited above describes merely that if the direct scanning/copying of a document (initiated by pressing the start key; *see* col. 3, lines 14 and 15) or the fax reception of a

document occurs before the end of the apparatus warm-up, the scanned or received document – in its entirety – may be temporarily stored (*see* S11 in Fig. 4, for example) and printing of what is stored may be performed at the right time (*see* S13 in Fig. 4, for example). As printing is always done when an image has been available in its entirety and no additional portion of the image is yet to become available, *Sasai* does not disclose “a printer for printing out facsimile data, which corresponds to the reduced-size image data displayed on said display, ... even during reception of facsimile data constituting an additional portion of the image by said receiver.”

Accordingly, Applicant submits that Claim 10 is patentable over the art cited against it.

Independent Claims 12 and 13 recite features similar to those discussed above with respect to Claim 10 and therefore are also believed to be patentable over the cited prior art for the reasons discussed above.

A review of the other art of record has failed to reveal anything which, in Applicant’s opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

Claim 11 is dependent Claim 10, and is therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of Claim 11 on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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